

9145. Adulteration and misbranding of canned tomatoes. U. S. * * * v. 450 Cases * * * of Canned Tomatoes. Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 11940. I. S. No. 9130-r. S. No. C-1718.)

On February 11, 1920, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 450 cases, more or less, of canned tomatoes, remaining unsold in the original unbroken packages at Chicago, Ill., alleging that the article had been shipped on November 26, 1919, by the Chino Canning Co., Chino, Calif., and transported from the State of California into the State of Illinois, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part, "Standard C-C-C Three C Brand Tomatoes."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it contained added tomato pulp.

Adulteration of the article was alleged in the libel for the reason that the same had been sold and shipped as Three C Brand tomatoes with tomato juice, whereas other articles, to wit, tomato pulp products, had been substituted in whole or in part for said article, and had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength.

Misbranding was alleged in substance for the reason that the cans containing the article were labeled as follows, "'Standard' C-C-C Three 'C' Brand Tomatoes With Pure Tomato Juice Packed By Chino Canning Company, Chino, California. Net Contents 1 Lb. 12 Oz.," and the cases containing the cans were labeled as follows, "Two Dozen Two and One Half Cans C-C-C Standard Chino Canning Company," and in addition there appeared upon each of the cans a design of ripe tomatoes, which said statements appearing upon each of the cases and cans were false and fraudulent [misleading] and misled and deceived the purchaser in that said statements purported and represented that the article was Three C Brand tomatoes packed with tomato juice, whereas, in truth and in fact, the said cases and cans contained other articles, to wit, tomato pulp products. Misbranding was alleged for the further reason that the article was an imitation of, and was sold under the distinctive name of, another food product, to wit, Three C Brand tomatoes with tomato juice. Misbranding was alleged for the further reason that the article was food in package form, and the quantity of the contents was not plainly and specifically marked on the outside of the package in terms of weight and measure, and that the labeling aforesaid was false and misleading, and the variation between said label and the quantity of the contents was not a reasonable variation.

On October 11, 1920, the John H. Leslie Co., Chicago, Ill., claimant and consignee of the goods, having admitted all the material allegations in the libel and having consented to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be delivered to said claimant upon payment of all the costs of the proceedings and the execution of a bond in the sum of \$1,000, in conformity with section 10 of the act, conditioned in part that the article be properly relabeled.

E. D. BALL, *Acting Secretary of Agriculture.*

9146. Misbranding of T. B. Donaldson's Wonderful New Life Remedy. U. S. * * * v. 140 Bottles * * * T. B. Donaldson's Wonderful New Life Remedy. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 12168. I. S. No. 15975-r. S. No. E-1977.)

On or about February 19, 1920, the United States attorney for the District of Delaware, acting upon a report by the Secretary of Agriculture, filed in the

District Court of the United States for said district a libel for the seizure and condemnation of 140 bottles of T. B. Donaldson's Wonderful New Life Remedy, remaining unsold in the original unbroken packages at Wilmington, Del., alleging that the article had been shipped by the T. B. Donaldson Medicine Co., Philadelphia, Pa., on or about December 30, 1919, and January 3, 1920, and transported from the State of Pennsylvania into the State of Delaware, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: (Bottle) "T. B. Donaldson's Wonderful New Life Remedy * * * For All Blood Diseases Stomach And Liver Difficulties Such as Dyspepsia, Biliousness, Syphilis, Scrofula, Erysipelas, Catarrh, Liver Complaints, Rheumatism, Enlargement Of Liver, Diseases Of The Kidneys, Chronic Constipation And Nervous Debility. * * * it is a genuine blood cleanser, stomach and liver regulator. It is one of the greatest kidney medicines in the world. It clears the urinal organs and strengthens the bladder, gives vitality, vigor, and vim to manhood;" (circular) "* * * T. B. Donaldson's Wonderful New Life Remedy The Germ Exterminator As an unparalleled Medicine for the Blood! It has stood the test of ages, and now stands as a peer for all diseases of the system; emanating from the vital organs, such as Stomach and Liver Difficulties, Dyspepsia, Biliousness, Syphilis, Scrofula, Erysipelas, Catarrh, Liver Complaint, Rheumatism, Enlargement of the Liver, Diseases of the Kidneys, Chronic Constipation and Nervous Debility. * * * It is a Genuine Blood Cleanser, Stomach and Liver Regulator. It is one of the greatest Kidney Medicines in the world. It clears the urinal organs and strengthens the bladder, gives vitality, vim and vigor to manhood. * * * 100,000 People Cured * * *."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted essentially of an alkaline solution containing, essentially, magnesium sulphate, senna, plant extractives, alcohol, and small amounts of volatile oils.

It was alleged in substance in the libel that the article was misbranded for the reason that it contained no ingredient or combination of ingredients capable of producing the curative and therapeutic effects claimed for it by the above-quoted language.

On February 5, 1921, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

E. D. BALL, *Acting Secretary of Agriculture.*

9147. Misbranding of Hooper's Female Pills (Green Seal). U. S. * * * v. 5 Dozen Packages of * * * Hooper's Female Pills (Green Seal). Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 13485. I. S. No. 7591-t. S. No. E-2695.)

On or about September 9, 1920, the United States attorney for the District of Delaware, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 5 dozen packages of Hooper's Female Pills (Green Seal), remaining unsold in the original unbroken packages at Wilmington, Del., alleging that the article had been shipped by Fore & Co., Philadelphia, Pa., on or about July 20, 1920, and transported from the State of Pennsylvania into the State of Delaware, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: (Circular) "* * * Female Pills * * * a safe and sovereign remedy in female complaints, * * * an Emmenagogue in producing Menstruation. * * * for the removal of irregularities. * * * are used * * * (except in cases of Pregnancy) * * *;"